

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LONNIE RAY CARTER,

Plaintiff,

v.

ASHLEY A. ZUBER et al.,

Defendants.

CASE NO. 3:20-cv-05166-RJB-JRC

ORDER ADOPTING REPORT AND  
RECOMMENDATION

THIS MATTER comes before the Court on the Report and Recommendation of Magistrate Judge J. Richard Creatura. Dkt. 22. The Court has reviewed the Report and Recommendation, to which there are no objections, the remaining record, and does hereby find and ORDER: the Court adopts the Report and Recommendation. All claims are dismissed except the claims against defendants for alleged violations of plaintiff's Eighth Amendment rights, which survive.

1 The dismissal of plaintiff's claims against defendants for alleged violations of the Sixth  
2 and Fourteenth Amendments and 42 U.S.C. § 1985 is without prejudice and with leave to amend.  
3 Plaintiff may amend his complaint regarding these claims to cure the deficiencies noted in the  
4 Court's Order and, if he does so, shall file his amended complaint **within thirty (30) days from**  
5 **the date of this Order**. Plaintiff must also include his claims against defendants under the  
6 Eighth Amendment because an amended complaint supersedes the original complaint. Plaintiff  
7 does *not* have leave to amend his claims against defendants under the Fifth Amendment and 18  
8 U.S.C. § 242.

9 **IT IS SO ORDERED.**

10 The Clerk shall send uncertified copies of this Order to plaintiff and Judge Creatura.

11 Dated this 23<sup>rd</sup> day of December, 2020.

12 

13 ROBERT J. BRYAN  
14 United States District Judge